UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,305	09/08/2003	Daniel A. Baudino	CE11380JSW 9640/132	9765

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CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON, IL 60201

EXAMINER
ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/657,305	BAUDINO ET AL.
	Examiner	Art Unit
	Anthony S Addy	2681

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 September 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,15,16,24-26 and 34</u> is/are rejected.

7)☒ Claim(s) <u>5-14,17-23 and 27-33</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/08/2003</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

2.   Claims 1-3, 15-16, 24-26 and 34 are rejected under 35 U.S.C. 103(a) as

being unpatentable over **Chek et al., U.S. Patent Number 5,640,147**

(hereinafter Chek) and further in view of **Kim, U.S. Publication Number**

2003/0139175 A1 (hereinafter Kim).

Regarding claims 1 and 15, Chek teaches a system and method of

operating a wireless communication system, the method comprising: initiating a

call from a first communications unit to a second communications unit (see col. 2,

lines 1-10 and Fig. 1; where a parent unit 1 is shown transmitting an enabling

signal to child unit 2 in the wireless communication system). Chek further

teaches that once the enabling signal is transmitted from the parent unit 1 to a

corresponding circuit in the child unit 2, it activates the child unit and allows for

the reception of sound on the child unit which is then transmitted back through

the communication medium to the parent unit 1, thereby allowing sounds that

exist around the child to be heard, either through the speaker or earphone jack of

the parent unit 1 (see col. 2, lines 10-18).

Chek does not explicitly teach a system and method of operating a

wireless communication system, the method comprising; embedding a

push-to-listen control protocol configuration in a data packet responsive to the

call initiation; transmitting the data packet from the first communications unit to

the second communications unit; and configuring the second communications

unit based on the push-to listen control protocol configuration.

Kim, however, teaches a system and method for enabling a second

mobile terminal (Client_T) to remotely control all of the functions provided by a

first mobile terminal (Server_T), wherein the first mobile terminal (Server_T)

receives a control command through a call link and performs an operation

according to the received control command (see paragraph 0015, line 1 through

paragraph 0018, line 12 and paragraph 0037, line 1 through paragraph 0041, line

19). Kim further teaches when the present invention is provided with GPS

service, it is possible to detect a location of the mobile terminal by performing

mobile origination for the GPS service even at a remote place, therefore when

the mobile terminal or child carrying the mobile terminal is missing, the user can

easily recognize the place where the missing mobile terminal or child is located

(see paragraph 0160, lines 1-19).

It would have been obvious to one having ordinary skill in the art at the

time of the invention to modify the system and method of remotely controlling a

mobile terminal as taught by Kim, to the system and method for remotely

monitoring the activities of a minor or dependent child or adult of Chek to include

a system and method of operating a wireless communication system, the method

comprising; embedding a push-to-listen control protocol configuration in a data

packet responsive to the call initiation; transmitting the data packet from the first

communications unit to the second communications unit; and configuring the

second communications unit based on the push-to listen control protocol

configuration to allow the user of a first communication device to locate a missing

child carrying a second communication device or enable a parent to remotely

monitor the sounds of the environment in and around where a child is located as

taught by Chek.

Regarding claims 2 and 16, the combination of Chek and Kim teaches all

the limitations of claims 1 and 15. Chek does not explicitly teach a system and

method, further comprising: transmitting an automatic reconnect from the second

communications unit to the first communications unit responsive to said

configuring step.

Kim, however, teaches a system and method for enabling a second

mobile terminal (Client_T) to remotely control all of the functions provided by a

first mobile terminal (Server_T), wherein the first mobile terminal (Server_T)

receives a control command through a call link and performs an operation

according to the received control command (see paragraph 0015, line 1 through

paragraph 0018, line 12 and paragraph 0037, line 1 through paragraph 0041, line

19). Kim further teaches the Server_T (first mobile terminal) transmits a remote

control result to the Client_T (second mobile terminal) based on a request from

the Client_T (second mobile terminal) (see paragraph 0042, line 1 through 0050,

line 6).

It would have been obvious to one having ordinary skill in the art at the

time of the invention to modify the system and method of remotely controlling a

mobile terminal as taught by Kim, to the system and method for remotely monitoring the activities of a minor or dependent child or adult of Chek to include a system and method further comprising: transmitting an automatic reconnect from the second communication unit to the first communication unit responsive to said configuring step to acknowledge receipt of a mobile terminal remote control command request, thus enabling enabling a second mobile terminal (Client_T) to remotely control all of the functions provided by a first mobile terminal (Server_T) as taught by Kim.

Regarding claim 3, the combination of Chek and Kim teaches all the limitations of claim 1. Chek does not explicitly teach a method, further comprising: performing a security authorization.

Kim, however, teaches a method for enabling a second mobile terminal (Client_T) to remotely control all of the functions provided by a first mobile terminal (Server_T), wherein the first mobile terminal (Server_T) receives a control command through a call link and performs an operation according to the received control command (see paragraph 0015, line 1 through paragraph 0018, line 12 and paragraph 0037, line 1 through paragraph 0041, line 19). Kim further teaches a method of authentication, such as a log-in procedure, wherein a user is requested to input a security code and upon receipt of the security code remote control operation requested by the user is performed (see paragraph 0113, lines 1-35 and Fig. 8A, step 803-817).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system and method of remotely controlling a

mobile terminal as taught by Kim, to the method for remotely monitoring the activities of a minor or dependent child or adult of Chek to include a method, further comprising: performing a security authorization to allow only a specific user to access a mobile terminal to remotely control another mobile terminal at a remote location as taught by Kim.

Regarding claim 24, Chek teaches a computer usable medium storing a computer program comprising: computer readable code for initiating a call from a first communications unit to a second communications unit (see col. 2, lines 1-10 and Fig. 1; where a parent unit 1 is shown transmitting an enabling signal to child unit 2 in the wireless communication system). Chek further teaches that once the enabling signal is transmitted from the parent unit 1 to a corresponding circuit in the child unit 2, it activates the child unit and allows for the reception of sound on the child unit which is then transmitted back through the communication medium to the parent unit 1, thereby allowing sounds that exist around the child to be heard, either through the speaker or earphone jack of the parent unit 1 (see col. 2, lines 10-18).

Chek does not explicitly teach a computer usable medium storing a computer program comprising: computer readable code for embedding a push-to-listen mode control protocol configuration in a data packet responsive to the call initiation; computer readable code for transmitting the data packet from the first communications unit to the second communications unit; and computer readable code for configuring the second communications unit based on the push-to listen control protocol configuration.

Kim, however, teaches a computer usable medium storing a computer program comprising (see paragraph 0006, lines 1-12): computer readable code for enabling a second mobile terminal (Client_T) to remotely control all of the functions provided by a first mobile terminal (Server_T), wherein the first mobile terminal (Server_T) receives a control command through a call link and performs an operation according to the received control command (see paragraph 0015, line 1 through paragraph 0018, line 12 and paragraph 0037, line 1 through paragraph 0041, line 19). Kim further teaches when the present invention is provided with GPS service, it is possible to detect a location of the mobile terminal by performing mobile origination for the GPS service even at a remote place, therefore when the mobile terminal or child carrying the mobile terminal is missing, the user can easily recognize the place where the missing mobile terminal or child is located (see paragraph 0160, lines 1-19).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chek with Kim to include a computer usable medium storing a computer program comprising: computer readable code for embedding a push-to-listen mode control protocol configuration in a data packet responsive to the call initiation; computer readable code for transmitting the data packet from the first communications unit to the second communications unit; and computer readable code for configuring the second communications unit based on the push-to listen control protocol configuration to allow the user of a first communication device to locate a missing child carrying a second

communication device or enable a parent to remotely monitor the sounds of the

environment in and around where a child is located as taught by Chek.

Regarding claim 25, the combination of Chek and Kim teaches all the

limitations of claim 24. Chek does not explicitly teach a computer usable medium

storing a computer program, further comprising: computer readable code for

transmitting an automatic reconnect from the second communications unit to the

first communications unit responsive to the configuration of the second

communications unit based on the push-to-listen mode control protocol

configuration.

Kim, however, teaches a computer usable medium storing a computer

program comprising (see paragraph 0006, lines 1-12): computer readable code

for enabling a second mobile terminal (Client_T) to remotely control all of the

functions provided by a first mobile terminal (Server_T), wherein the first mobile

terminal (Server_T) receives a control command through a call link and performs

an operation according to the received control command (see paragraph 0015,

line 1 through paragraph 0018, line 12 and paragraph 0037, line 1 through

paragraph 0041, line 19). Kim further teaches the Server_T (first mobile terminal)

transmits a remote control result to the Client_T (second mobile terminal) based

on a request from the Client_T (second mobile terminal) (see paragraph 0042,

line 1 through 0050, line 6).

It would have been obvious to one having ordinary skill in the art at the

time of the invention to modify Chek with Kim to include a computer usable

medium storing a computer program, further comprising: computer readable

code for transmitting an automatic reconnect from the second communications

unit to the first communications unit responsive to the configuration of the second

communications unit based on the push-to-listen mode control protocol

configuration to acknowledge receipt of a mobile terminal remote control

command request, thus enabling a second mobile terminal (Client_T) to remotely

control all of the functions provided by a first mobile terminal (Server_T) as

taught by Kim.

Regarding claim 26, the combination of Chek and Kim teaches all the

limitations of claim 24. Chek does not explicitly teach a computer usable medium

storing a computer program, further comprising: computer readable code for

performing a security authorization.

Kim, however, teaches a computer usable medium storing a computer

program comprising (see paragraph 0006, lines 1-12): computer readable code

for enabling a second mobile terminal (Client_T) to remotely control all of the

functions provided by a first mobile terminal (Server_T), wherein the first mobile

terminal (Server_T) receives a control command through a call link and performs

an operation according to the received control command (see paragraph 0015,

line 1 through paragraph 0018, line 12 and paragraph 0037, line 1 through

paragraph 0041, line 19). Kim further teaches a computer readable code for

authentication, such as a log-in procedure, wherein a user is requested to input a

security code and upon receipt of the security code remote control operation

requested by the user is performed (see paragraph 0113, lines 1-35, Fig. 6B and

Fig. 8A, step 803-817).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chek with Kim to include a computer usable medium storing a computer program, further comprising: computer readable code for performing a security authorization to allow only a specific user to access a mobile terminal to remotely control another mobile terminal at a remote location as taught by Kim.

Regarding claim 34, Chek teaches a system and method of operating a wireless communication system, the method comprising: initiating a call from a first communications unit to a second communications unit (see col. 2, lines 1-10 and Fig. 1; where a parent unit 1 is shown transmitting an enabling signal to child unit 2 in the wireless communication system). Chek further teaches that once the enabling signal is transmitted from the parent unit 1 to a corresponding circuit in the child unit 2, it activates the child unit and allows for the reception of sound on the child unit which is then transmitted back through the communication medium to the parent unit 1, thereby allowing sounds that exist around the child to be heard, either through the speaker or earphone jack of the parent unit 1 (see col. 2, lines 10-18). Chek also teaches there is additionally provided an alert signal encoder which allows the child, an attending adult or an older child to press a button which will automatically activate a paging type function in the device used by the parent (see col. 2, lines 30-37).

Chek, however, fails to explicitly teach a method of operating a wireless communication system, the method comprising: configuring the second communications unit with an emergency push-to-listen mode control protocol;

and initiating a call to a first communication unit responsive to the configuring the

second communications unit with an emergency push-to-listen mode control

protocol.

Kim, however, teaches a system and method for enabling a second

mobile terminal (Client_T) to remotely control all of the functions provided by a

first mobile terminal (Server_T), wherein the first mobile terminal (Server_T)

receives a control command through a call link and performs an operation

according to the received control command (see paragraph 0015, line 1 through

paragraph 0018, line 12 and paragraph 0037, line 1 through paragraph 0041, line

19). Kim further teaches the Server_T (first mobile terminal) transmits a remote

control result to the Client_T (second mobile terminal) based on a request from

the Client_T (second mobile terminal) (see paragraph 0042, line 1 through 0050,

line 6).

It would have been obvious to one having ordinary skill in the art at the

time of the invention to modify the system and method of remotely controlling a

mobile terminal as taught by Kim, to the system and method for remotely

monitoring the activities of a minor or dependent child or adult of Chek to include

a method of operating a wireless communication system, the method comprising:

configuring the second communications unit with an emergency push-to-listen

mode control protocol; and initiating a call to a first communication unit

responsive to the configuring the second communications unit with an

emergency push-to-listen mode control protocol to provide an increased measure

of security for the child knowing that in the event of any trouble a simple push button will alert the parent quickly as taught by Chek.

3.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chek et al., U.S. Patent Number 5,640,147 (hereinafter Chek) and Kim, U.S. Publication Number 2003/0139175 A1 (hereinafter Kim)** as applied to claim 3 above, and further in view of **Maggenti et al., U.S. Patent Number 6,477,150 (hereinafter Maggenti)**.

Regarding claim 4, the combination of Chek and Kim teaches all the limitations of claim 3. The combination of Chek and Kim fails to explicitly teach a method, wherein the step of performing a security authorization further comprises: comparing an incoming push-to-listen call with a list of authorized push-to-listen calls; initiating the call if the caller is on the list.

Maggenti, however, teaches a method of providing group communication services in an existing communication system, wherein a net (a group of communication device users authorized to communicate with each other) includes a net membership field that defines a set or users who may request to join and become participants in a net and each entry in the field may comprise further information corresponding to each net member, such as a priority level and an authorization list (see col. 4, lines 60-67 and col. 18, lines 36-40). Maggenti further teaches the priority level may be defined to allow listen-only privileges and the authorization list defines authorization privileges, if any, a user has for the net (see col. 18, lines 40-45).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chek and Kim with Maggenti to include a method, wherein the step of performing a security authorization further comprises: comparing an incoming push-to-listen call with a list of authorized push-to-listen calls; initiating the call if the caller is on the list to allow only authorized users in a net to communicate with each other as taught by Maggenti.

Allowable Subject Matter

4.   Claims 5-14, 17-23 and 27-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5.   The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 5 identifies the uniquely distinct features "<u>embedding a timed response control protocol configuration in the data packet and configuring the second communications unit based on the timed response control protocol configuration</u>."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and

around where the child unit is located, thus remotely monitoring the child and

without a need for the child to push any buttons. However, Chek fails to

anticipate or render the above combination of underlined limitations obvious, nor

any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a

wireless communication system, without a need for the monitored pushing any

buttons.

Claim 7 identifies the uniquely distinct features "embedding an additional

hang time control protocol configuration in the data packet and configuring the

second communications unit based on the additional hang time control protocol

configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147**

discloses a child monitoring device that includes a parent unit and a child unit,

wherein upon enabling a command push button on the parent unit, the user of

the parent unit can remotely monitor the sounds of the environment in and

around where the child unit is located, thus remotely monitoring the child and

without a need for the child to push any buttons. However, Chek fails to

anticipate or render the above combination of underlined limitations obvious, nor

any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a

wireless communication system, without a need for the monitored pushing any

buttons.

Claim 9 identifies the uniquely distinct features "embedding a gain control protocol configuration in the data packet and configuring the second communications unit based on the gain control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and without a need for the child to push any buttons. However, Chek fails to anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 17 identifies the uniquely distinct features "means to embed an additional hang time control protocol configuration in the data packet; and means to configure the second communications unit based on the additional hang time control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and

without a need for the child to push any buttons. However, Chek fails to anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 18 identifies the uniquely distinct features "means to adjust the additional hang time control protocol configuration in at least one subsequent data packet during the call and means to reconfigure the second communications unit based on the additional hang time control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and without a need for the child to push any buttons. However, Chek fails to anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 19 identifies the uniquely distinct features "means to embed a timed response control protocol configuration in the data packet and means to

configure the second communications unit based on the timed response control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and without a need for the child to push any buttons. However, Chek fails to anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 21 identifies the uniquely distinct features "means to embed a gain control protocol configuration in the data packet and means to configure the second communications unit based on the gain control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and without a need for the child to push any buttons. However, Chek fails to

anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 27 identifies the uniquely distinct features "computer readable code for embedding an additional hang time control protocol configuration in the data packet and computer readable code for configuring the second communications unit based on the additional hang time control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and without a need for the child to push any buttons. However, Chek fails to anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 28 identifies the uniquely distinct features "computer readable code for adjusting the additional hang time control protocol configuration in at least one subsequent data packet during the call and computer readable code for

reconfiguring the second communications unit based on the additional hang time control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and without a need for the child to push any buttons. However, Chek fails to anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 29 identifies the uniquely distinct features "computer readable code for embedding a timed response control protocol configuration in the data packet and computer readable code for configuring the second communications unit based on the timed response control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and without a need for the child to push any buttons. However, Chek fails to

anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

The present invention is also directed to push-to-listen monitoring via a wireless communication system, without a need for the monitored pushing any buttons.

Claim 31 identifies the uniquely distinct features "computer readable code for embedding a gain control protocol configuration in the data packet and computer readable code for configuring the second communications unit based on the gain control protocol configuration."

The closest prior art, **Chek et al., U.S. Patent Number 5,640,147** discloses a child monitoring device that includes a parent unit and a child unit, wherein upon enabling a command push button on the parent unit, the user of the parent unit can remotely monitor the sounds of the environment in and around where the child unit is located, thus remotely monitoring the child and without a need for the child to push any buttons. However, Chek fails to anticipate or render the above combination of underlined limitations obvious, nor any of the prior art of record, alone or in combination.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fitzgerald et al., U.S. Patent Number 6,759,961 discloses a two-way communication baby monitor with a soothing unit.

Dailey, U.S. Patent Number 6,449,491 discloses an apparatus and method for conducting group calls in wireless communication systems.

Heubel et al., U.S. Patent Number 6,751,468 discloses systems and methods for providing push to talk feature for wireless communication systems.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 703-305-8487. The examiner can normally be reached on Mon-Fri 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony S. Addy
December 16, 2004
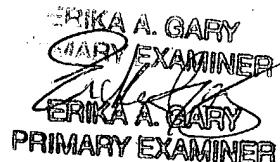
ERIKA A. GARY
GARY EXAMINER
ERIKA A. GARY
PRIMARY EXAMINER